

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DIANE VANDERGRIFF,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:08CV1234 CEJ
	)	
WUESTLING AND JAMES, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for reconsideration, motion for leave to file an amended complaint, and motion for extension of time to file notice of appeal.

On August 21, 2008, plaintiff filed her complaint, alleging various state law causes of action. On November 17, 2008, the Court dismissed the case pursuant to Rule 12(h)(3) because it was clear from the face of the complaint that subject matter jurisdiction was lacking.

Plaintiff has now filed a motion for reconsideration. The motion, however, fails to state any basis for this Court's jurisdiction over the complaint. As a result, the motion for reconsideration is without merit and will be denied.

Likewise, plaintiff's motion for leave to file an amended complaint is devoid of any allegation pertaining to this Court's jurisdiction over the complaint. Without an

allegation of jurisdiction, any amendments to the complaint would be futile. Therefore, the motion for leave to file an amended complaint will be denied.

Plaintiff has also filed a motion for extension of time to file a notice of appeal. Plaintiff's notice of appeal is due by December 17, 2008. Fed. R. App. P. 4(a)(1). The Court may grant a motion extend the time to file a notice of appeal if the moving party "shows excusable neglect or good cause." Fed. R. App. P. 4(a)(5)(A). If the moving party shows good cause, the Court may extend the time up to thirty days after the time in Rule 4(a)(1) expires or ten "days after the date when the order granting the motion is entered, whichever is later." Fed. R. App. P. 4(a)(5)(C). Pro se appellants may be given "special consideration . . . regarding their notices of appeal." Weekley v. Jones, 927 F.2d 382, 386 (8th Cir. 1991). Plaintiff states that she needs additional time to file her notice of appeal because she is pro se. Upon consideration, the Court will grant the motion. Plaintiff's notice of appeal shall be due on December 22, 2008.<sup>1</sup>

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for reconsideration [#8] is **denied**.

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<sup>1</sup>See Fed. R. App. P. 26(a)(3) (last day of period must be excluded if it falls on a weekend).

**IT IS FURTHER ORDERED** that plaintiff's motion for leave to file an amended complaint [#10] is **denied**.

**IT IS FURTHER ORDERED** that plaintiff's motion for extension of time to file a notice of appeal [#11] is **granted**.

**IT IS FURTHER ORDERED** that plaintiff shall have until **December 22, 2008**, to file a notice of appeal.

Dated this 16th day of December, 2008.

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE